

REMARKS

By this amendment, Applicants have amended claims 1, 11, 13, and 15-16 and canceled claim 2, without prejudice. As a result, claims 1 and 3-22 remain pending in this application, of these, claims 7-8 and 17-20 are currently withdrawn from consideration. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the rejections and reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

Initially, Applicants gratefully acknowledge the Examiner's indication of the allowable subject matter of claim 13. By this response, Applicants have amended claim 13 to place it in condition for allowance. Additionally, claim 13, along with claim 15, have been amended to more clearly state the claimed subject matter. Applicants respectfully submit that these amendments are not being made for patentability reasons. Regardless, Applicants respectfully submit that claim 13 is allowable.

Further, Applicants note that the Office Action Summary lists the disposition of claims as including pending claims 1-6, 9-16, and 21-22. Applicants note that the correct disposition of the claims comprises pending claims 1 and 3-22 (after the amendments herein), with claims 7-8 and 17-20 withdrawn from consideration. Applicants respectfully request correction of the disposition of the claims. With respect to the specification, Applicants are unaware of the presence of any errors.

In the Office Action, claims 1, 11, 14, 15, and 22 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,784,399 (Sun) or U.S. Patent No. 6,320,893 (Ueki) and are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,791,119 (Slater). Further, claim 2 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,466,950 (Sugawara) or Ueki.

With respect to claims 1 and 2, Applicants have herein amended claim 1 to include the features of the original claim 2 and canceled claim 2, without prejudice. To this extent, Applicants note that neither Sun nor Slater teaches, *inter alia*, the claimed electron blocking layer of amended claim 1. As a result, Applicants respectfully request withdrawal of these rejections.

Regarding the rejection of the original claim 2 as allegedly being anticipated by Ueki, the Office cites insulation layer 43 of Fig. 9(a) of Ueki as allegedly inherently disclosing the claimed electron blocking layer. As discussed in Ueki, the insulation area 43 shown in Fig. 9(a) is formed by oxidizing optical confinement layer 36. Col. 16, lines 13-15. To this extent, insulation area 43 blocks light from passing therethrough. Consequently, the device in Ueki includes an aperture 44 in which insulation area 43 is not formed to allow light to pass therethrough. In sharp contrast, Applicants' claimed electron blocking layer in amended claim 1 allows light to pass therethrough. As a result, Applicants respectfully submit that Ueki fails to disclose all of the features of the invention in amended claim 1.

Regarding the rejection of the original claim 2 as allegedly being anticipated by Sugawara, the Office alleges that the current blocking layer 17 of FIG. 3 of Sugawara discloses the claimed electron blocking layer. However, Applicants note that layer 17 of Sugawara is formed within a light emitting region of Sugawara. In particular, Sugawara states that "[a]n

emitting region consists of these three layers 14, 15 and 18 which compose a double hetero structure." Col 7, lines 61-63. As shown in FIG. 3 of Sugawara, layer 17 is clearly formed below layer 18 and above layer 15. In sharp contrast, the claimed electron blocking layer of the amended claim 1 is formed over the light generating structure. By forming the electron blocking layer over the light generating structure, the electron-hole recombination in the light generating structure is more effective and unimpeded. This makes the electron blocking layer especially useful for, *inter alia*, nitride-based semiconductor devices.

In light of the above, Applicants respectfully submit that neither Ueki nor Sugawara teaches all of the claimed features of amended claim 1. To this extent, Applicants respectfully request withdrawal of the rejection of claim 1 as allegedly being anticipated by Ueki. Further, Applicants respectfully submit that amended claim 1 is not anticipated by Ueki or Sugawara as discussed above with respect to the original claim 2.

With respect to claim 11, Applicants have herein amended claim 11 to include a similar feature as that of amended claim 1. To this extent, Applicants herein incorporate the arguments presented above with respect to amended claim 1. As a result, Applicants respectfully request withdrawal of the rejections of claim 11.

With respect to claims 14 and 15, Applicants herein incorporate the arguments presented above with respect to amended claim 11, from which claims 14 and 15 depend. As a result, Applicants respectfully request withdrawal of the rejections of claims 14 and 15.

With respect to claim 22, Applicants herein incorporate the arguments presented above with respect to amended claim 1, from which claim 22 depends. As a result, Applicants respectfully request withdrawal of the rejections of claim 22.

Further, claim 5 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Sun or Sugawara and is rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Slater. Applicants herein incorporate the arguments presented above with respect to amended claim 1, from which claim 5 depends. As a result, Applicants respectfully request withdrawal of the rejections of claim 5.

Further, claims 3-4, 6, 10, 16, and 21 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Slater. With respect to claims 3-4, 6, and 10, Applicants herein incorporate the arguments presented above with respect to amended claim 1, from which claims 3-4, 6, and 10 depend. As a result, Applicants respectfully request withdrawal of the rejections of claims 3-4, 6, and 10.

With respect to claim 16, Applicants have herein amended claim 16 to include a similar feature as that of amended claim 1. To this extent, Applicants herein incorporate the arguments presented above with respect to amended claim 1. As a result, Applicants respectfully request withdrawal of the rejections of claim 16.

With respect to claim 21, Applicants herein incorporate the arguments presented above with respect to amended claim 16, from which claim 21 depends. As a result, Applicants respectfully request withdrawal of the rejections of claim 21.

Further, claims 9 and 12 are rejected under 35 U.S.C. § 103(a) as allegedly being anticipated by Slater in view of U.S. Patent No. 6,803,603 (Nitta). With respect to claim 9, Applicants herein incorporate the arguments presented above with respect to amended claim 1, from which claim 9 depends. As a result, Applicants respectfully request withdrawal of the rejection of claim 9.

With respect to claim 12, Applicants herein incorporate the arguments presented above with respect to amended claim 11, from which claim 12 depends. As a result, Applicants respectfully request withdrawal of the rejections of claim 12.

Applicants submit that each of the pending claims is patentable for one or more additional unique features. Additionally, Applicants do not acquiesce to the Office's combination of Slater and Nitta. These features and the appropriateness of the Office's combination have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all elected claims are in condition for prompt consideration on the merits, and respectfully request this consideration. Should the Examiner require anything further, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



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